

Congress of the United States
Washington, DC 20515

May 19, 2020

The Honorable Steven T. Mnuchin
Secretary
U.S. Department of the Treasury
1500 Pennsylvania Avenue, NW
Washington, DC 20220

Dear Secretary Mnuchin:

On behalf of the citizens of the State of Georgia, we thank you for your tireless efforts on behalf of businesses and Americans across the country by quickly implementing the CARES Act and all programs associated with it. We know there have been many sleepless nights and we appreciate the dedication you and your team have displayed during this time. Today, we are writing on an unrelated topic to request the Department of Treasury proceed, as quickly as is feasible, with the development and issuance of guidance for the Advanced Nuclear Production Tax Credit (26 U.S.C. § 45J) .

In Georgia, Plant Vogtle Units 3&4 are the first advanced nuclear units ever to be built in the U.S. With construction approximately 84% complete, the units are expected to enter commercial service in November of 2021 (Unit 3) and November 2022 (Unit 4). Once completed, the units will produce enough electricity to power 1 million homes and businesses. Energy from the completed units will be eligible for the Advanced Nuclear Production Tax Credit (NPTC).

Plant Vogtle is owned by four entities with differing ownership and governance structures. In 2018, Congress amended 26 U.S.C. § 45J, through the passage of the Bipartisan Budget Act, by extending the term of qualification and providing a mechanism to assure that all co-owners of the plant, regardless of ownership structure and tax status, could equally benefit from the provision of tax credits. At present, the Internal Revenue Service Guidance (Notice 2013-68) for nuclear production tax credit allocations is dated and does not reflect the credit eligibility of the project nor provisions to increase flexibility in using the credits.

The changes made to 26 U.S.C. § 45J by Congress to extend the eligibility date, establish eligibility criteria, and authorize the transfer of production tax credits from certain public entity facility owners (such as governmental entities and cooperative electric companies that own an interest in an advanced nuclear power facility) to certain project partners, including the financial institutions involved in financing the facility and others involved in the design or construction of the facility, suppliers of the nuclear steam supply system, and nuclear fuel suppliers. In order to utilize this authorization, owners of the project need updated Guidance *in advance of entering the units into commercial operation* in order to clarify eligibility and to determine the mechanism for transferring credits to eligible project partners.

We are writing to respectfully request that the Department of Treasury and the Internal Revenue Service issue Guidance as expeditiously as possible to update Notice 2013-68 in a manner that reflects changes

made to the law over two years ago. This Guidance is required to allow the co-owners of Plant Vogtle to plan for the allocation, and secure agreements to maximize the benefit of the tax credits generated by operating the plant. Unique among production tax credit provisions, because of regulatory and governance structures, all the benefits of the NPTC will flow directly through to benefit customers served by the plant in states that include Georgia, Florida and Alabama.

Thank you in advance for your consideration.

Sincerely,



David A. Perdue
U.S. Senator



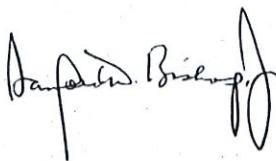
Kelly Loeffler
U.S. Senator



Rick W. Allen
Member of Congress



Earl L. "Buddy" Carter
Member of Congress



Sanford D. Bishop, Jr.
Member of Congress

/s/

A. Drew Ferguson, IV
Member of Congress

/s/

Rob Woodall
Member of Congress



Austin Scott
Member of Congress



Doug Collins
Member of Congress

/s/

Jody Hice
Member of Congress



Barry Loudermilk
Member of Congress

/s/

David Scott
Member of Congress

/s/

Tom Graves
Member of Congress